

TEWKSBURY PLANNING BOARD MINUTES
October 16, 2023

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:06 PM. Present at the start of the meeting were Vincent Fratalia, James Duffy, Jonathan Ciampa & Nicholas Lizotte.

(A) Approval of Minutes – September 11, 2023 & September 25, 2023

MOTION – Mr. Duffy made a motion to approve the 9/11/23 minutes as submitted. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION – Mr. Duffy made a motion to approve the 9/25/23 minutes as submitted. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(B) Committee Reports/ Administrative Actions

(B1) Committee Reports

(B2) Town Planner's Reports

On the Horizon

The following public hearings are scheduled for our next meeting, Monday, October 30 in addition to any continued hearings:

- 553 Main Street – Sign Special Permit for Planet Fitness

MBTA Communities

The third public feedback session for the MBTA Communities Zoning was held Thursday, October 12 at the Tewksbury Senior Center. There were 27 registrants and approximately 150 overall attendees, primarily from Emerald Court. The meeting session intended to solicit feedback regarding the dimensional features of the proposed districts.

To inform the discussion, feedback was solicited from the public safety and public works departments to provide context related to emergency response and resources as well as infrastructure capabilities and potential challenges. The intention for this workshop is to finalize viable district options for consideration at Town Meeting in May 2024.

The majority of the discussion focused on the viability of each of the proposed sites. The next steps in the process include presenting all findings from the public outreach sessions to the Select Board on October 24 and to this Board on October 30, both of which are regularly scheduled public meetings.

The presentation for those two meetings will be a summary of the entire public outreach process, and what the resident feedback was for all sites. From there, two sites will be submitted to the Executive Office of Housing and Livable Communities (EOHLC) for the pre-vote preliminary compliance review before Town Meeting. This review may take up to 90 days.

Upcoming Events – Halloween weekend

Some events leading up to Halloween that may be of interest to the Board members as well as the community:

- Fall Fun Day – Friday, October 27 from 2-6pm on the Town Common
- Applefest – Saturday, October 28 from 9-3pm at Tewksbury Memorial High School
- Safe Halloween – Sunday, October 29 from 1-3pm at Tewksbury Memorial High School

(B3) 307 Old Boston Road – As Built Acceptance

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Continued to 11/13/23

(C) 295 Main Street - Batten Bros., Inc. on behalf of Karastamatis LLC – Sign Special Permit

MOTION – Mr. Ciampa made a motion to waive the public reading. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Jeff Cerra appeared for the Sign Special Permit for 295 Main Street. Mr. Cerra stated the property has recently been renovated & is also undergoing branding changes dropping the word bank from the signs and changing the look a little bit. Prior to the renovations they had 3 permitted wall signs which they are in the process of replacing, there has also been a sign put up on the drive-up side of the building that was put up inadvertently due to miscommunication, this is one of the signs he's seeking approval for. The second sign he's seeking approval for is the one over the main entrance, all signs are in the same locations as the previous signs & each is smaller than the ones that were there before.

Mr. Lizotte confirmed all signs were just being replaced with newer smaller signs, Mr. Cerra stated that was correct. Mr. Lizotte asked if there was any difference in the overall brightness of the signs. Mr. Cerra stated they are actually not as bright because there is less illuminated area, the old signs were cabinets where the entire background lit up & these are just channel letters themselves which light up.

Mr. Fratalia asked if they renovated the inside as well, Mr. Cerra stated he wasn't sure. Mr. Fratalia then stated he was willing to allow the signage.

Mr. Duffy stated he was also in favor of granting the waiver for the 3 signs.

Mr. Ciampa stated he was good with this, overall, he likes that it's smaller and viewing the site 3 signs makes sense and seems reasonable.

Mr. Johnson stated he was asking for the same or less so there's no reason to have a problem with anything.

There were no questions from the audience.

Ms. Lowder stated this requires an express waiver from Section 6.2.10.A.5, which limits a single business to one wall mounted sign unless they are on a corner lot which the applicant is not.

MOTION – Mr. Fratalia made a motion to close the public hearing. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the waiver from Section 6.2.10.A.5 for the 3 signs as discussed. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Ciampa made a motion to approve the Sign Special Permit for 295 Main Street. The motion was seconded by Mr. Lizotte and unanimously voted 5-0.

(D) 1059 East Street – Brad Capadanno on behalf of JSR East Street LLC – Use Special Permit

MOTION – Mr. Ciampa made a motion to waive the public reading. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Brad Capadanno & Cameron Rothus appeared for the Use Special Permit for 1059 East Street. Mr. Rothus stated they are keeping the same footprint of the building, but they need to remove some interior walls to increase showroom space.

Mr. Fratalia stated he had no problem with what they are trying to do he liked seeing a new business come to Tewksbury.

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Mr. Duffy asked if they were a contractor supply with a retail counter. MR. Capadanno stated they are electrical wholesale, while they do have a retail counter for walk-ins, most business is conducted over the phone with deliveries made by van. Mr. Duffy asked if there was parking in the rear of the building, Mr. Capadanno stated there was a lot of parking at this office park, probably 80 spaces in total.

Mr. Ciampa asked how they planned to handle stock at this location, loading and unloading hours. Mr. Capadanno stated that loading and unloading will be done primarily from 7:30 AM to about 4 PM, they have shelving they are looking to install in the warehouse space to hold material. Mr. Ciampa then asked if there was a central distribution center that would bring out deliveries to stock & restock the shelves. Mr. Capadanno stated mainly its ordered directly from a vendor. Mr. Ciampa clarified that all of the traffic will be during business hours. Mr. Capadanno stated yes, proposed business hours are from 7 AM – 5 PM.

Mr. Fratalia asked how many vans they planned to have and where they would be parked. Mr. Capadanno stated he would have 1 van to deliver material and it will probably be parked out back by the bay door.

There were np questions from the audience.

MOTION – Mr. Ciampa made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION – Mr. Ciampa made a motion to approve the Use Special Permit for 1059 East Street. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(E) 913 East Street – 911-913 East Street, LLC – Site Plan Review/Special Permit/ Land Disturbance Permit

MOTION – Mr. Ciampa made a motion to waive the public reading. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Meera Cousens, Arnie Martel & Jim Hanley appeared for the Site Plan Review/Special Permit/ Land Disturbance Permit for 913 East Street. Ms. Cousens stated they were there to permit a proposed 3-story self-storage facility. Ms. Cousens then went over the existing conditions of the site. Ms. Cousens then stated they are looking to raise the existing structures and construct a climate controlled 3-story storage facility with a footprint of approximately 11,130 sqft, they are proposing to maintain the westerly curb cut & relocated the eastern curb cut approximately 100' further east to minimize turning conflicts with the Lumber Lane & Carter Street intersection, the distance between the 2 curb cuts will be approximately 330'. Ms. Cousens continued that there will be a reduction in impervious surface area on the site by approximately 1,000 sqft, they are proposing to remove all existing drainage structures & replace with a new stormwater management system which is proposed to discharge into an existing infiltration pond that's located in the western corner, so the stormwater management system is designed to comply with state & local regulations. Ms. Cousens then stated for utilities they are proposing to connect to the existing 6" sewer service line within the site & for water they are proposing a new 6" water service from the main to the building. Ms. Cousens stated the zoning bylaw requires a minimum of 1 space per 3 storage bays, their challenge is that they have a preliminary architectural plan that doesn't include the final unit configuration but if they had they believe that 1 space per 3 bays would be excessive for this facility, if the average unit size was 150 sqft this would yield 215 units & would require 72 parking spaces which is way too much parking for a self-storage facility. They consulted with their traffic engineer who stated that ITE standards show an average peak demand of .1 space per 1,000 sqft so the proposed 32,340 gross floor area facility would require just 3 parking spaces according to ITE standards. Ms. Cousens stated they feel that number is too low so as a compromise between the ITE & zoning bylaw they are proposing 12 spaces. Mr. Hanley added that's they appeared 2 years ago for this site with another applicant & at that point they were proposing 4,000 sqft building addition & keeping the existing building so this different, this is taking all the existing buildings down and rebuilding with new construction.

Mr. Duffy asked if there was a powerline easement over the property. Mr. Hanley stated a portion of the powerline easement cuts through the property, the building has been set to be outside the easement, those are

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high tension powerlines that have been there they're going to be there after they're done with this. Mr. Duffy then asked for the parking criteria to be cleared up for him. Mr. Hanley stated that all the units haven't been completely laid out yet so because of that they don't have a specific number of bay but when they just put some basic math on it and applied the zoning requirement, they came out with 72 spaces which doesn't make sense to them. They reached out to their traffic consultant who looked at the ITE which specifically has an indoor climate control self-storage use and they came up with 3 which seemed too low, so they proposed what they felt was fair and still had a reduction in impervious surface at the end of the day. Mr. Duffy asked the number of parking spaces, Mr. Hanley stated 12.

Mr. Lizotte agreed that 3 parking spaces would seem a little shy for this project, the only thing about the parking that stands out to him is that a lot of the spaces seem to get pretty far away from the building itself and asked if there was a loading section. Mr. Martel stated looking at the building on the right side there is a covered loading area all the way to the right with a garage door you can back right up to, the elevator is there, there will be carts there, that will be the main access point if someone is going in to get something. Mr. Lizotte asked how many cars would fit in the loading area. Mr. Martel stated you could probably squeeze two, realistically you would want 1, it's set up for 1 car at a time. Mr. Hanley added they provided the parking adjacent to the loading area & that on the 1st floor there are a handful of units that will be loaded from the parking area, the spaces in front of those weren't counted in the 12. Mr. Martel stated he hasn't finalized the exterior access units yet, once he's further in the approval process he'll have a consultant come in & monitor the area for what the need is.

Mr. Ciampa stated ordinarily people ask for waivers from bike racks and so forth, then asked if there would be on site employees. Mr. Martel stated there would be 1 employee. Mr. Ciampa stated generally if the employee wants to bike to work it's nice to have a bike rack. He would like to see a bike rack go in especially where they are going light on the parking. Mr. Martel stated he doesn't see a reason they can't find a space for it.

Mr. Frataglia stated he liked the idea of a 3-story building & the carts. Mr. Frataglia then asked the hours of operation, Mr. Martel stated it hadn't been nailed down yet, there will be access to the building, everyone that rents will have a key fob so they will have access to their stuff 24 hours a day, as far as hours of operation most likely 8-4 Monday – Friday & maybe a half day on Saturday but he has got that far. Mr. Frataglia stated another location in town provides security and asked if they would be doing the same and cameras to protect people. Mr. Martel stated there won't be a security person there, but cameras will cover every inch of the place besides the individual units for privacy. Mr. Frataglia asked if they would be providing sidewalks, the applicants confirmed they would be. Mr. Martel shared that he would like to install granite curbing, so it looked a little nicer. Mr. Hanley added the sidewalks would be bituminous concrete. Mr. Frataglia stated he didn't see the need for a bicycle rack but he's ok either way. Mr. Frataglia asked if contractor bays would be allowed, Mr. Martel stated they would not, he'd prefer not to have trucks, vans & equipment everywhere. Mr. Frataglia stated he didn't have an issue with the number of parking spaces, he feels what they have proposed is sufficient.

Mr. Johnson asked what the tallest U-Haul truck was, applicant answered 13'6", Mr. Johnson clarified that 14'3" would be enough clearance. Mr. Martel stated that is what it is designed for, any tractor trailer can't be over 13'6" for bridge overpass. Mr. Johnson stated he didn't have a problem with the entrances, the proposed is a little better & not worse than the existing. Mr. Johnson stated he didn't want to see a gate there & if Mr. Martel changed his mind about having gates, he'd want him to come back with an explanation on how it would safely work.

Ms. Lowder added that, with the parking, she agrees 75 would be excessive but she noted in her review they want to make sure they're rooting it in something that the board has the authority to do. In order to do a strict parking reduction of the use as it's expressed in the parking table, they'd have to find a way to do 30, they'd only be able to reduce it by 30% & then they'd have to find a place to put reserve parking. Ms. Lowder continued that she has spoken with the building commissioner about how to best evaluate this use because it's not traditional, so evaluating only the first-floor units for strict adherence to the bylaw then the rest of it under section 6.1.3 B the board can make a determination for a use that's not expressly listed in the bylaw which she thinks would be the upper floors. Mr. Johnson asked what the number was now, Ms. Lowder stated based on the analysis she provided approximately 13 drive up units results in 4.3 spaces under the bylaw & then if they

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use the ITE data that shakes out to about 2.13 spaces for the 2 upper floors resulting in about 6.46 & that is within the 12 they proposed so she thinks that is fair.

There were not questions from the audience.

MOTION – Mr. Fratalia made a motion to continue 913 East Street to 10/30/23 at 7:20 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(F) 1167, 1177, 1187 Main Street – L&G Main Street, LLC c/o Garrett Berube on behalf of Gar-Bar Realty Trust, L&G Main Street LLC, John G. Maclellan Inc – Site Plan Review/ Special Permit/ Land Disturbance Permit

Applicant requested continuance to 10/30/23

MOTION – Mr. Duffy made a motion to continue 1167,1177,1187 Main Street to 10/30/23 at 7:15 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(G) 1879 Main Street – Tree House Brewing Company – Site Plan Review/Special Permit (continued from 9/25)

Meera Cousens & Jim Hanley appeared for the Site Plan Review/Special Permi for 1879 Main Street. Ms. Cousens stated they have been continuing the last few meetings because they have a difference of opinion with DPW on one issue regarding how the stormwater management standards apply to this redevelopment project, they're confident that their design complies with the stormwater standards as a redevelopment project Treehouse added additional experts to the team who also agreed they meet stormwater standard as a redevelopment project. Mr. Cousens continued that last week they had a productive meeting with town staff, they sent a letter to town staff earlier today further demonstrating how the project complies with the Mass DEP regulations, so they are now waiting for a response from the town & hope to resolve this one last issue.

Ms. Lowder shared that this is an ongoing review with town staff & ultimately ConCom who they have a hearing with on Wednesday, how the ConCom chooses to approve this plan changes what affect this board approves.

Mr. Fratalia commented that he visited the site 3 times & there were no spots available any time then asked why they would come before the board with the idea of needing more parking when the number of spaces they have should be sufficient for the occupancy they have, he would be okay with this if it was abutting the property but it not abutting the property is one of his concerns. Mr. Fratalia questioned if their occupancy wasn't on the standard that it should be because the previous site had plenty of parking, he's seen people parking in other locations on Main & Livingston to get the Treehouse. Mr. Fratalia then asked if their occupancy was where it should be or is it too much. Mr. Fratalia continued by asking if they are parking on other people's property what's that doing to other people's businesses. Mr. Fratalia then asked Ms. Lowder if she knew the occupancy number and if this was a safety concern then stated he was not in favor of the lot across Main St. for safety reasons. Mr. Hanley stated he couldn't speak to the operations of the main building & golf course they aren't part of this application, but he could certainly get the information for him. Mr. Hanley continued that the one remaining technical comment they have from DPW would be basically cutting the parking lot in half from about 138 to about 60 spaces & they have the sense that they need more, there's not much available and people will be parking out and around the area & the intent of this is to provide the backup parking so that doesn't happen. Mr. Hanley stated they are working with a traffic consultant & DOT if they can get past this one comment to make sure the access, they provide from the parking lot over to Treehouse is as safe as it can be.

Mr. Johnson stated he appreciates Mr. Fratalia's opinion, but they have these issues because the business is successful & to wish it to be less successful seems counterproductive. What's going on on other sites he doesn't know, they don't have any control over that. Currently people have to cross in a diagonal across Main St, he believes this plan is to actually have a crosswalk go from where the parking lot is across the shortest

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distance to the sidewalk which would seem safer than the current version. If this doesn't work, he doesn't know what happens but if it does work, they'll see but they have more work to do on it for sure, he not against it out of hand at this point. The reason the board had them come in is because they just don't want to go as long as they've been going without some kind of an update.

Mr. Johnson opened the hearing to the audience.

Donna Robatel, 527 Shawsheen St – Ms. Robatel stated she feels strongly that this is bad idea and doesn't understand how they could even ask. Ms. Robatel expressed her frustration with not being able to speak directly to someone from Treehouse then asked if she heard correctly that the parking would be cut in half. Mr. Johnston stated that is unresolved, they are still working on whose version of the stormwater reading is correct. Ms. Robatel then went over her understanding of what occurred at the previous ConCom hearing & Mr. Johnson stopped her from going off track, by explaining the ConCom's decision isn't related to their decision, those issues should be discussed at their meeting not this one. Ms. Robatel then continued by saying this is their main street & the town has grown a lot. She feels it's all about impact & feels strongly that this is a bad idea.

MOTION – Mr. Fratalia made a motion to continue 1879 Main Street to 10/30/23 at 7:25 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(H) 1438 Main Street – Tewksbury Dental Associates on behalf of 1438 Main Street, LLC – Site Plan Review (continued from 9/25)

Jim Hanley appeared for the Site Plan Review for 1438 Main Street. Mr. Hanley stated since their last meeting they et with Conservation & there is an outstanding superseding order of conditions on the property which slowed them down a little, DEP has asked them to submit for a COC which they did last week. Mr. Hanley continued that they modified the plans to address the comments they received at the last meeting, the substantive changes are that they reduce the proposed additional parking from 14 to 12 spaces to address some of the comments they heard, they also increased the length of the parallel spaces along the long run, they have removed the retaining wall and have graded that out, they went out and surveyed the property and they plan to replant each of the arborvitaes the have to remove so that they do not have any negative impact on the abutter to the north. Mr. Hanley stated they believe they have addressed all of DPW's comments and that Atty Bornstein has had significant discussions with the HOA & he believes there's an agreement in principle between the 2 parties. They prefer to have that agreement finalized before they continue with the technical review of the minor modifications.

Mr. Ciampa stated one of his main concerns was the dimensional layout of the parallel parking with the 2-way drive lane. Mr. Hanley stated they removed 2 spaces along that long run, they've pulled the closest space further away from Main St & increased the length from 20' – 23.5'. They have also agreed to sign those spaces, so they'll be specific to the people that work in the building opposed to the patients that come in. Mr. Ciampa then asked about the width of the spaces and the drive lane. Mr. Hanley stated that had not changed but they moved them further into the slope to get them 2' further away from the road.

Mr. Fratalia asked how they would police the employee only spots. Mr. Hanley stated the owner of the building will have to police it; the plan shows 9 employee-only signs along those spaces. Mr. Fratalia asked why the new owner would bring this new tenant knowing there's going to be parking concerns. Mr. Hanley added they Atty Bornstein did submit a letter for the justification of the additional parking.

Mr. Lizotte agreed that employees that parallel park more often will be better at it but it turns overflow parking into primary parking, he then asked how often the primary lot was expected to be completely full. Mr. Hanley deferred to the letter Atty Bornstein submitted & stated they looked at how many employees & operatories then have there & then there's a 30-minute cycle that requires a bit of fluff for people coming in and out without a jam.

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Mr. Duffy confirmed that they would be removing and replacing 30 trees then asked about the proposed saw cut along the side of the road. Mr. Hanley stated what they are trying to show there is what the limit of work is. Mr. Duffy stated he didn't see a spec on the retaining wall they planned to put in there, Mr. Hanley stated the DPW asked them to remove the retaining wall so that is no longer part of the plan. Mr. Duffy asked what the line of demarcation would be between the arborvitae and new spaces, Mr. Haley referenced the grading plan on page C5. They then discussed why DPW may have asked for the wall to be removed & Mr. Hanley stated they would be very comfortable with a well vegetated 3-1 slope 3' high not having issues with erosion, if there were to be issues, they'd have a maintenance plan they'd be obligated to address, putting 30 arborvitae in will only help to stabilize the slope. Mr. Duffy asked how many spaces were eliminated, Mr. Hanley stated 2 were eliminated. Mr. Duffy questioned if the employees were going to be ok with the parking location, Mr. Hanley stated that was up to the boss. Mr. Duffy asked if there were any other trees coming down besides the 30 that he previously mentioned, Mr. Hanley stated they targeted that specific area based on comments made at the last hearing. Mr. Hanley continued that the abutters comment was addressed by locating the trees along the shared property line & making the determination that they can't build that parking area without lightly impacting the existing trees that are there so they have added to the plan that the existing trees will be taken down & replaced with 30 arborvitae. Mr. Hanley went on to stated they originally had 11 spaces on that run, they now have 9 spaces to allow longer spaces for easier parking & eliminating the one closest to Main St. Mr. Duffy appreciated the effort they try to accommodate the abutters especially with the privacy concerns.

Mr. Johnson stated he liked the idea of having the spaces as employee parking and asked if they were open on Saturdays. Mr. Hanley stated he did not know, Mr. Johnson stated it would be ideal if they weren't, the applicant confirmed neither business would be open Saturdays. Mr. Johnson then stated they don't need to know all the details of the back and forth between the properties, but they need to know how it shakes out to make a decision.

Mr. Johnson opened the hearing to the audience.

Bob Puff, consulting engineer – Mr. Puff stated he was there on behalf of the Serina Woods condo association. Mr. Puff took the board through his letter highlighting the important points such as COC, asking the stormwater operation & maintenance and the long-term pollution plans be shared with the condo association. Mr. Puff continued by sharing his issues with the parallel spaces being for employees only & his technical issue with the driveway curb cut on the northeast corner due to the limited field of vision of oncoming traffic. Mr. Puff then stated the 2 additional curb cuts reduce the amount of sidewalk that can be walked on & it could possibly increase the amount of conflict between pedestrians & vehicles. Mr. Puff continued that someone walking the sidewalk would be sandwiched between the access drive and the parking space leaving the opportunity for someone to park carelessly with the nose of the car blocking the sidewalk, he feels the parking lot should be reconfigured so that grass buffer can be provided at that location similar to the existing condition. Mr. Puff stated he believed the snow storage waiver they are asking for is self-inflicted, if they weren't asking for so much excess parking, they would have proper snow storage. Mr. Puff then went over the existing drainage and stated that with the new curb cuts the parking lot slopes down into the access driveway, the trench drains are supposed to intercept that water, and for small storms they will, the issue becomes the capacity of the grate. If any of the water goes past the tranches it goes into Serena Way into a different drainage system so the mitigation that the calculations presume to happen don't happen, Mr. Puff then asked for calculations on the grate capacities & the piping system to make sure all the parking lot runoff stays in the parking lot & he's asking for them to be done for the 100 year storm, not the 10 or 25 storm, because that's what the stormwater management system is designed for he presumes. Mr. Puff continued that the new parking along the driveway adds drainage to the Serena Way catch basins, the additional runoff that goes to those basins should have a calculation for surface flooding & the piping of those systems are adequate to accommodate that additional drainage. Mr. Puff stated he found insufficiencies in the way the piping & units are laid out; they don't satisfy the manufacturer's requirements which means it's not capable of being built or it won't provide the treatment they're assuming that going to happen. Mr. Puff ended by encouraging the board to ensure there's appropriate, suitable & agreeable resolution to have this easement needs to change.

Arafat Khan, Serina Woods – Mr. Khan confirmed there has been conversation with Atty. Bornstein about maintenance responsibilities & the applicant is willing to take ownership of maintaining the landscaped area

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converted into the parking space but in exchange for that they have been asked not to show up at the meeting & support the design. Mr. Khan then discussed Atty. Bornstein's memo regarding the need for the additional parking spaces. Mr. Khan then went on to present the differences between the justification letter from the applicant compared to the actual building floor plan. Mr. Khan continued by stating that according to the occupancy rate the 8,550 sqft commercial building requires only 43 parking spaces, supplemented with the staff count details provided by the applicant depicting the minimum parking space requirement of 44. This lot already has 49 approved parking spaces, which is 5 more than required. Mr. Khan stated he feels that the creation of 30% (14) additional spaces is completely unnecessary if patient arrival & departure appointment time could be better managed to limit patient overlapping & subsequently the parking need. Snow storage is an actual necessity & should not be reduced or waived to create room for additional parking, the applicant requested a waiver to reduce the much-needed snow storage area to accommodate additional spaces & speaks of trucking the snow off site, the responsibility and financial cost associated with it is still unclear to the residents who should not be burdened for the proposed modifications by the applicant. Mr. Khan finished by stating that should the nature of commercial use change in the future to non-medical offices that do not demand these increased parking spaces, he requests to eliminate the excess parking spaces proposed with the application.

Frank Corenti, 85 Serina Way – Mr. Corenti stated when they bought their home there 6.5 years ago, they were aware of the roadway easement & the joint residential commercial use of that roadway & the only problem he's had in this time is people not stopping when exiting the parking lot. Mr. Corenti then referenced the plan showing a 90 degree turn & stating that it's so tight that only 1 car can take the turn at a time & to make it worse they are proposing an entrance, adding the extra parking on the roadway & a snow accumulation area. Mr. Corenti stated this is an accident waiting to happen, Serena Way is essentially going to become a roadway through a parking lot, there are children that will have to walk through the lot to get the school bus. Mr. Corenti stated he really doesn't believe it was the boards intention to have this kind of a condition approved on the initial application, it's not safe, it's congested.

Danny & Seongsul Kim, 1428 Main St – Mr. D. Kim then stated he would be reading the letter his father composed. Mr. Kim stated his property shares an extensive boundary line with 1438 Main St. & the proposed expansion of the parking lot threaten to erode the natural beauty of the neighborhood and raises several environmental and safety concerns. Mr. Kim continued that anticipated issues include increased noise, air pollution, heightened risk of accidents & added complexity in infrastructure management & further the trees serve as a natural buffer ensuring his family's privacy, their removal will expose their home leading to potential privacy infringements. Mr. Kim then stated he previously shared these concerns with the board & wished to bring their attention to additional observations made since. First one of the most distressing concerns is risk of fire, should 9 parallel parking spaces be constructed on the property boundary its likely to lead to increased litter particularly cigarette butts, heightening the risk of fire, who will be responsible in the event of such a fire. Second Mr. Kim stated he had observed the parking lot over the past 2 months, twice a week at what he believed would be the peak hours and he found that there were consistently 11-14 vacant spaces even on the busiest days & he had photos to share. Third Mr. Kim shared that it's noteworthy that Germano Park accommodates 19 businesses but maintains 50 spaces, just one more than the dental office's current 49, this observation shows that the applicant's existing parking is far from inadequate. Mr. Kim reiterated that he has made and recorded these observations over the last 2 months to present & contends that the applicants proposed expansion project poses a threat to the safety of the neighboring residents & is in several aspects incongruent with the surrounding conditions, they earnestly implore the planning board members not to disregard the concerns shared by many in the community.

Donna Landry, 25 Serena Way – Ms. Landry shared concern over people utilizing the parallel parking spaces using Serena Way to turn around and leave.

Mr. Johnson asked if a stop line could be put in at the corner that has been referenced a couple times. Mr. Hanley stated it could be but he doesn't think it's warranted. Mr. Johnson clarified he was talking about the hard right mentioned by Mr. Puff where you have to look over your shoulder, having the cars stop alleviates a lot of that concern because even if you didn't see it initially, they have to stop. He would like to have this looked at, it's a reasonable ask. Mr. Johnson then asked if they could get clarification on the actual floor plan. Mr.

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Hanley stated he doesn't have a floor plan, Mr. Johnson stated he didn't expect him to that why he wants some clarification to confirm the numbers are accurate. Mr. Johnson then continued by stating they have gotten a lot of comments, there's a lot of concern about the number of spaces, if there must be something given up whether it's the parallel spaces or where the snow storage would be. There's a lot of reasonable comments being made. Mr. Hanley stated they understand the concern, the owner certainly doesn't want to build infrastructure he doesn't know he's going to need, there's the new use that's in the building, there's a use today or intensity today & he believes that over the course of time there's going to be a greater demand. This is a really long expensive process for 12 parking spaces, but he feels that strongly. Mr. Johnson reiterated that there's a lot of concern from residents and they have 2 weeks to figure out changes they can make, if any. Mr. Hanley stated in the past the board has issued a parking waiver, they'd show it as potential or constructed if needed, certainly no one wants to build anything that's not needed & the alternative to that is congestion. Mr. Johnson stated if that's a consideration he'd like to see what that phasing in would look like.

Mr. Ciampa stated he would like to see the resolution between the attorney and HOA to see what kind of agreement they come to & if there's some common ground, right now he's not seeing any resident support for this & that's not something he feels is neighborly.

Mr. Lizotte stated he would like some better understanding of the current usage of the spaces if they are going to discuss phasing, some of the resident comments were saying there's 10-14 vacant spots in the afternoon so getting a clearer picture on that and seeing the actual utilization of the spaces before they look to add additional spaces outside of the primary lot.

Mr. Duffy stated he feels the abutters have several legitimate concerns and asked if the documents requested by their engineer are available for their review, Mr. Hanley stated they were. Mr. Duffy then asked if they were entitled to them, Mr. Hanley stated they did the design in 2014 & in that design they provided an operation & maintenance plan specific to stormwater that was approved so it's public record & should have been provided to residents when they purchased their units. Mr. Duffy stated it doesn't seem like there's been great communication between owner & residents and that's a big stumbling block. Mr. Duffy continued that he doesn't think the parking expansion is that big of a problem he thinks it's more they want answers as to who will be responsible for certain aspects, it seems like the bigger problems need to be worked out outside of these meetings. Mr. Hanley stated the owner got an attorney who is working with the HOA, he was under the impression there was an agreement in principle, so there's an effort and they will continue to listen, he'd much prefer this not in the public eye, but they were asked to come back so they wanted to come back and give an update.

Mr. Fratalia stated he would say no to the potential parking allowance then asked how he envisioned people getting into specific spots. Mr. Hanley stated it's now signed as employee only it shouldn't be new to anyone that's going to park there, he envisions them driving through the lot and parallel parking facing towards Main St. Mr. Fratalia stated if they don't do that it will cause problems for people coming into the site, employees should be instructed to park as discussed.

Mr. Johnson stated snow removal on weekends should be discussed in the agreement, Mr. Hanley agreed and stated it's not the dentist that will be plowing, it's an actual company that works when it snows regardless of the day. Mr. Johnson continued to state for clarity that they aren't checking water calculations for drainage, that's sent to the engineering department & when they tell the board it's fine, they believe them, if they tell them, it's not fine, they tell them to go back & fix it. He understands there have been questions raised about it, if they don't get the ok from engineering that what's been presented is ok, they don't go forward with that. Mr. Johnson stated they mind find themselves making a decision on want vs. absolute need.

MOTION – Mr. Fratalia made a motion to continue 1438 Main Street to 10/30/23 at 7:30 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(I) 1600 Shawsheen Street – National Development c/o Daniel Mora on behalf of Holt & Bugbee Company – Site Plan Review/Special Permit/Land Disturbance Permit (continued from 9/25)

Applicant requested continuance to 10/30/23.

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MOTION – Mr. Duffy made a motion to continue 1600 Shawsheen Street to 10/30/23 at 7:05 PM. The motion was seconded by Mr. Fratalia and unanimously voted 4-0. **Mr. Ciampa was not present for the vote*

(J) 1600 Shawsheen Street – Holt & Bugbee Company – Site Plan Review/Special Permit/Land Disturbance Permit (continued from 9/25)

Applicant requested continuance to 10/30/23.

MOTION – Mr. Duffy made a motion to continue 1600 Shawsheen Street to 10/30/23 at 7:10 PM. The motion was seconded by Mr. Fratalia and unanimously voted 4-0. **Mr. Ciampa was not present for the vote*

(K) 836-846 Main Street – Batello, LLC: Site Plan Review (continued from 9/25)

Michael Columba appeared for the Site Plan Review for 836-846 Main Street. Mr. Columba stated since the last meeting he has had his engineer revise the plans based on the comments and recommendations made.

Mr. Fratalia asked if Mr. Columba read the comments about the sidewalk that the DPW is insisting on a sidewalk there. Mr. Columba stated he was prepared to do the sidewalks. Mr. Fratalia confirmed he would be doing sidewalks on the Old Boston Rd side of the property, Mr. Columba stated that was correct, he would comply as necessary. Ms. Lowder stated the latest submission received 10/5 and forwarded to the engineering division the following Tuesday so they have not provided a response yet, what they have in their packets is Mr. Columba's engineer's response where he did superimpose the engineering's departments comments & provide his comments underneath. Mr. Columba stated the engineering department did not want to meet with them or discuss this, so he said let's just do it. Mr. Johnson asked in the event that they would have approved and been done & then engineering said they didn't need the sidewalk, there's no issue with that. Ms. Lowder stated not necessarily, if they were to make the approval conditional upon satisfactory resolution of comments of DPW & they end up reaching agreement then there's not harm no foul, they could put a provision that in the event a fee in lieu of is determined to be appropriate then the engineering department would provide that calculation to be incorporated into the approval. Ms. Lower continued that she doesn't issue the final approval until she gets the final resolution of the plan so everything would be resolved before the final approval is filed.

Mr. Duffy asked if they were still looking for a waiver for the one driveway per 200'. Mr. Columba stated he thinks they are good with that, Mr. Johnson clarified that this was the back driveways. Ms. Lowder stated there's strict adherence to the zoning bylaw would only allow for 1 driveway per 200' of frontage & where the property wraps around the 2 existing ones on Main St are definitely not 200' apart & shes not sure of the calculation from the furthest Main St one around the bend to the Old Boston Rd one may also be less less than 200'. Regardless typical strict adherence would only allow for one driveway so technically a waiver would be required for that. Mr. Johnson stated judging by the plans he is asking for the waiver still. Mr. Duffy asked if he had a lighting plan, Mr. Columba stated he submitted one, he had to revise it. Mr. Duffy asked if he would be submitting a signage plan at a later date, Mr. Columba stated he found a location that complies & it's shown on the revised plans.

Mr. Lizotte asked if there were parking spaces in front of the dumpster, Mr. Columba stated that's employee parking, Mr. Lizotte then asked the plan when it's time to empty the dumpster, Mr. Columba stated they would coordinate a time for pickup where there's less need for parking.

Mr. Johnson asked what else was outstanding besides the sidewalk. Ms. Lowder stated the engineering division hasn't reviewed the latest revision to comment on the stormwater. Mr. Johnson stated he has not problem with the waivers requested, it's just a matter of engineering correcting anything they may still have an issue with. Mr. Columba stated he's going to do it right; he's not trying to dodge anything.

MOTION – Mr. Fratalia made a motion to continue 836-846 Main Street to 10/30/23 at 7:35 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(L) Administrative Items (continued)

1 – 937 North Street – Landscape Plan Acceptance

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Robert Scarano appeared for the Landscape Plan Acceptance for 937 North Street. Mr. Scarano stated the plan consists of a planting list & a fence along North St which is 4'H & 8' panel solid. Mr. Scarano continued by going over the existing conditions of the property & planned landscape plantings in detail. Mr. Johnson clarified they would only be discussing the landscape plan.

Mr. Duffy brought up the issue of plantings interfering with utilities. Mr. Scarano stated he doesn't think there's a plan that's had as much scrutiny as this one because National Grid was involved every step of the way.

Mr. Fratalia asked for details on the hotel going at this property. Mr. Scarano stated the original permit was a business hotel, he will be back in front of the board for a change in room dimensions to accommodate what the market is now bearing which is more of a suite than it is a business hotel. There will be the same number of rooms, maybe reduced, not parking lot changes just room dimensions & room occupancy more geared to address the current dynamics in the industry. Mr. Fratalia then asked for clarification on the type of sidewalks he planned to install, Mr. Scarano stated they would be concrete cement sidewalks, some may even be heated closer to the building. Mr. Fratalia asked when he planned to start the project, Mr. Scarano stated they have 2 interest parties waiting to find out the approved room dimensions when they get back in front of the board so they can do their due diligence.

MOTION – Mr. Ciampa made a motion to accept the landscape plan for 937 North Street. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Correspondence

Other Business Not Known at the Time of Posting this Agenda

Adjournment

MOTION – Mr. Duffy made a motion to adjourn the meeting at 9:43 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

Approved on: November 27, 2023

List of documents for the 10.16.23 meeting

Documents can be found in the Community Development Office

- A. 7:00** Approval of Minutes: September 11, 2023; September 25, 2023
- **Minutes for September 11, 2023**
 - **Minutes for September 25, 2023**
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports
 - 2- Town Planner's Report
 - **Memo from Alexandra Lowder dated 10/13/2023**
 - 3- 307 Old Boston Road – As-Built Acceptance – ***continued to 11/13***
 - **Letter from Woodland Design dated 9/5/2023**
 - **Letter from Kevin Hardiman dated 2/23/2022**
 - **As-Built Plan dated 9/5/2023**

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- C. 7:00 295 Main Street - Batten Bros., Inc. on behalf of Karastamatis LLC: Sign Special Permit
- **Application packet dated 9/19/2023**
 - **Memo from Alexandra Lowder dated 10/10/2023**
- D. 7:05 1059 East Street – Brad Capadanno on behalf of JSR East Street LLC: Use Special Permit
- **Application packet dated 9/13/2023**
 - **Memo from Alexandra Lowder dated 10/10/2023**
- E. 7:10 913 East Street – 911-913 East Street, LLC: Site Plan Review, Special Permit, Land Disturbance Permit
- **Application package dated 9/14/2023**
 - **Site plans dated 9/14/2023**
 - **Architectural plans dated 9/27/2022**
 - **Letter from Fire Prevention dated 10/11/2023**
 - **Memo from Alexandra Lowder dated 10/11/2023**
- F. 7:15 1167, 1177, 1187 Main Street – L&G Main Street, LLC c/o Garrett Berube on behalf of Gar-Bar Realty Trust, L&G Main Street LLC, John G. Maclellan Inc: Site Plan Review, Special Permit, Land Disturbance Permit – ***applicant requested continuation to 10/30***
- **Application package dated 9/14/2023**
 - **Fire truck turning exhibit dated 9/14/2023**
 - **Traffic assessment dated 8/23/2023**
 - **Site plans dated 9/14/2023**
 - **Architectural plans dated 3/27/2023**
 - **Letter from Fire Prevention dated 10/11/2023**
 - **Email from Andrew Stack dated 10/10/2023**
 - **Memo from Alexandra Lowder dated 10/11/2023**
- G. 7:20 1879 Main Street – Tree House Brewing Company: Site Plan Review, Special Permit (*continued from 9/25*)
- **Letter from Civil Design to Engineering dated 9/22/2023**
 - **Revised site plans dated 9/18/2023**
 - **Fire truck turning plan dated 8/9/2023**
 - **Impervious Area Exhibit dated 8/9/2023**
 - **Memo from Alexandra Lowder dated 10/11/2023**
- H. 7:25 1438 Main Street – Tewksbury Dental Associates on behalf of 1438 Main Street, LLC: Site Plan Review (*continued from 9/25*)
- **Response letter from Civil Design to Engineering dated 9/25/2023**
 - **Response letter from Civil Design to Community Development dated 9/25/2023**

TEWKSBURY PLANNING BOARD MINUTES
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- **Waiver Request letter from Civil Design dated 9/25/2023**
- **Revised site plans dated 9/25/2023**
- **Memo from Robert E. Puff on behalf of Sarina Woods Condominium dated 9/7/2023**
- **Memo from Robert E. Puff on behalf of Sarina Woods Condominium dated 10/12/2023**
- **Memo from Alexandra Lowder dated 10/11/2023**
- **Parking demand letter from Don Borenstein dated 10/13/2023**

I 7:30 1600 Shawsheen Street – National Development c/o Daniel Mora on behalf of Holt & Bugbee Company: Site Plan Review, Special Permit, Land Disturbance Permit (*continued from 9/25*) – ***applicant requested continuation to 10/30***

- **Letter from Andrew Stack dated 10/13/2023**

J 7:35 1600 Shawsheen Street – Holt & Bugbee Company: Site Plan Review, Special Permit, Land Disturbance Permit (*continued from 9/25*) – ***applicant requested continuation to 10/30***

- **Letter from Andrew Stack dated 10/13/2023**

K 7:40 836-846 Main Street – Batello, LLC: Site Plan Review (*continued from 9/25*)

- **Response letter to Community Development dated 10/4/2023**
- **Response letter to Engineering Division dated 10/4/2023**
- **Revised site plan dated 10/4/2023**
- **Memo from Alexandra Lowder dated 10/10/2023**
- **Lighting plan dated 10/14/2023**

L. Administrative Items (continued)

1 – 937 North Street – Landscape Plan Acceptance

- **Landscape plan dated 7/9/2018**

Correspondence

Other business not known at the time of posting this agenda

Adjournment